

IN THE  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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WILLIAM EVANS, B08677,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 13 C 2425
	)	
KEITH ANGLIN, Warden,	)	The Honorable
	)	James F. Holderman,
Respondent. <sup>1</sup>	)	Judge Presiding.

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**MOTION REQUESTING THAT JUDGMENT BE SET OUT  
IN A SEPARATE DOCUMENT**

Under Federal Rules of Civil Procedure 58(a) and (d), respondent respectfully asks this Court to set out in a separate document its judgment denying petitioner’s petition for a writ of habeas corpus and declining to certify any issues for appeal. *See* Doc. 26 (March 28, 2014 memorandum opinion and order).

Rule 58(a) requires most judgments to be “set out in a separate document” — i.e., a document separate from the Court’s opinion. The Seventh Circuit’s “preferred” vehicle for complying is Form AO 450 (“Judgment in a Civil Action”). *Hope v. United States*, 43 F.3d 1140, 1142 (7th Cir. 1994), quoted in *Brown v. Fifth Third Bank*, 730 F.3d 698, 699 (7th Cir. 2013) (Posner, J., in chambers). The Rule applies to denials of habeas relief, and non-compliance extends a petitioner’s

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<sup>1</sup> As petitioner is currently on parole, Darryl L. Johnson, Chief of the Illinois Department of Corrections Parole Division, should be substituted as respondent. *See Hogan v. Hanks*, 97 F.3d 189, 190 (7th Cir. 1996); Fed. R. Civ. P. 25(d).

deadline for appealing by up to 150 days. *Carter v. Hodge*, 726 F.3d 917, 918 (7th Cir. 2013); *see Armstrong v. Ahitow*, 36 F.3d 574, 575 (7th Cir. 1994) (applying prior version of rule). Meanwhile, Rule 58(d) authorizes a winning party to reduce uncertainty by requesting that the judgment be set out in a separate document. *See Perry v. Sheet Metal Workers' Local No. 73 Pension Fund*, 585 F.3d 358, 362 (7th Cir. 2009).

Here, the judgment denying the petition has yet to be set out in a document separate from the Court's opinion. *See* Doc. 26. Respondent respectfully asks that this step be taken now.

### CONCLUSION

This Court should either set out in a separate document the judgment denying the petition for a writ of habeas corpus and declining to certify any issues for appeal, or direct the Clerk to do the same.

April 4, 2014

Respectfully submitted,

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Attorney General of Illinois

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## CERTIFICATE OF SERVICE

I certify that on April 4, 2014, I electronically filed respondent's **Motion Requesting that Judgment Be Set out in a Separate Document and Notice of Motion** with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, using the CM/ECF system, and mailed a copy, postage pre-paid, both to petitioner's last known address at his most recent place of confinement (Danville Correctional Center) and to another address that petitioner recently provided to respondent's counsel:

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